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SENATE BILL 19

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Richard M. Romero

AN ACT

RELATING TO EDUCATION; AMENDING AND ENACTING SECTIONS OF THE  
PUBLIC SCHOOL CODE PERTAINING TO LOCAL SCHOOL BOARD, SCHOOL  
DISTRICT SUPERINTENDENT AND SCHOOL PRINCIPAL EMPLOYMENT  
RESPONSIBILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-5-4 NMSA 1978 (being Laws 1967,  
Chapter 16, Section 28, as amended) is amended to read:

"22-5-4. LOCAL SCHOOL BOARDS--POWERS--DUTIES.--A local  
school board shall have the following powers or duties:

A. subject to the regulations of the state board,  
supervise and control all public schools within the school  
district and all property belonging to or in the possession of  
the school district;

B. employ a superintendent of schools for the

underscored material = new  
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1 school district and fix his salary;

2 C. delegate administrative and supervisory  
3 functions of the local school board to the superintendent of  
4 schools;

5 D. ~~[subject to the provisions of law, approve or~~  
6 ~~disapprove the employment, termination or discharge of all~~  
7 ~~employees and certified school personnel of the school~~  
8 ~~district upon a recommendation of employment, termination or~~  
9 ~~discharge by the superintendent of schools; provided that any~~  
10 ~~employment relationship shall continue until final decision of~~  
11 ~~the board. Any employment, termination or discharge without~~  
12 ~~the prior recommendation of the superintendent is void]~~  
13 establish employment eligibility criteria for all school  
14 district employees;

15 E. apply to the state board for a waiver of  
16 certain provisions of the Public School Code relating to  
17 length of school day, staffing patterns, subject area or the  
18 purchase of instructional materials for the purpose of  
19 implementing a collaborative school improvement program for an  
20 individual school;

21 F. fix the salaries of all employees and certified  
22 school personnel of the school district;

23 G. contract, lease, purchase and sell for the  
24 school district;

25 H. acquire and dispose of property;

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- I. have the capacity to sue and be sued;
- J. acquire property by eminent domain [ as] pursuant to the procedures provided in the Eminent Domain Code;
- K. issue general obligation bonds of the school district;
- L. repair and maintain all property belonging to the school district;
- M for good cause and upon order of the district court, subpoena witnesses and documents in connection with a hearing concerning any powers or duties of the local school boards;
- N. except for expenditures for salaries, contract for the expenditure of money according to the provisions of the Procurement Code;
- O. adopt regulations pertaining to the administration of all powers or duties of the local school board;
- P. accept or reject any charitable gift, grant, devise or bequest. The particular gift, grant, devise or bequest accepted shall be considered an asset of the school district or the public school to which it is given; and
- Q. offer and, upon compliance with the conditions of such offer, pay rewards for information leading to the arrest and conviction or other appropriate disciplinary

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1 disposition by the courts or juvenile authorities of offenders  
2 in case of theft, defacement or destruction of school district  
3 property. All such rewards shall be paid from school district  
4 funds in accordance with regulations that shall be promulgated  
5 by the department of education. "

6 Section 2. A new section of the Public School Code is  
7 enacted to read:

8 "[NEW MATERIAL] SCHOOL DISTRICT SUPERINTENDENT-- SCHOOL  
9 PRINCIPALS-- EMPLOYMENT RESPONSIBILITIES. --The school district  
10 superintendent may approve or disapprove the employment,  
11 termination or discharge of all employees and certified school  
12 personnel of the school district. The school principal may  
13 dismiss or demote any teacher or other person assigned full  
14 time to the school, subject to the review and approval of the  
15 superintendent. Employees whose duties require them to be  
16 assigned to more than one school and teachers who teach in  
17 more than one school shall be under the supervision of the  
18 superintendent for all decisions relating to dismissal or  
19 demotion. "